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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 2, 2000

PETITION OF

MICHAEL H. DITTON

CASE NO. PUC990176

To investigate Bell Atlantic -
Virginia, Inc.

PROCEDURAL ORDER

On October 7, 1999, Michael H. Ditton ("Petitioner") filed a Verified Petition for Redress and Relief ("Petition") with the State Corporation Commission ("Commission") requesting that the Commission investigate Bell Atlantic-Virginia, Inc. ("BA-VA" or "the Company"), and order the Company to provide the Petitioner with adequate and reliable telephone service. Specifically, the Petitioner alleged that BA-VA failed to provide him with adequate telephone service, acquiesced in the illegal use of telephone lines by another, made false statements to Petitioner, obstructed justice and/or the administration of justice, interfered with telephone line service and obstructed messages, intentionally refused to enforce wiretapping laws, failed to enforce its privacy policy, and failed to protect Petitioner from wiretapping and harassing telephone calls. Mr. Ditton requested that the Commission determine whether BA-VA had, in fact, committed the alleged violations and requested that the

Commission take all appropriate actions to enforce its rules, regulations, and orders applicable to the Company.

On October 19, 1999, Mr. Ditton filed a Verified Petition and Motion for Injunctive Relief requesting that the Commission issue an injunction to prevent BA-VA from disconnecting his telephone service.

The Petitioner and BA-VA agreed to permit the Staff to attempt to resolve this matter informally before initiating a formal proceeding before the Commission. BA-VA agreed to continue to provide Petitioner with telephone service until the complaint proceeding is resolved.

On December 1, 1999, BA-VA submitted its Answer to Mr. Ditton's Petition in which it denied all material allegations contained therein. Mr. Ditton submitted a reply to BA-VA's Answer on December 21, 1999, in which Petitioner restated allegations contained in his Petition and requested that the Commission docket the matter as a formal action.

On December 15, 1999, the Staff conducted extensive on-site testing of the telephone circuit from BA-VA's Alexandria Central Office to Mr. Ditton's apartment. The Staff found no material problems with Petitioner's telephone service. On March 10, 2000, the Staff completed a written report on Petitioner's allegations and its testing of Petitioner's telephone circuit, wherein it concluded that Mr. Ditton had not experienced any

problems with his fax, computer, telephone, and internet equipment working on a single telephone line that most users under similar circumstances have not also experienced on a routine basis. The Staff recommended that the case be closed without the initiation of a formal proceeding.

On March 27, 2000, Petitioner submitted a reply to the Staff's report stating that the report did not adequately describe and discuss the matters in his Petition and the Staff's reliance on BA-VA's responses merit further investigation. Mr. Ditton also renewed his request that the Commission initiate a formal proceeding on this matter.

NOW THE COMMISSION, having considered the pleadings, the Staff's report, Mr. Ditton's request for a formal proceeding, and Rule 5:5 of the Commission's Rules of Practice and Procedure ("Commission's Rules"), is of the opinion that a formal proceeding should be established. This matter should be docketed and assigned to a Hearing Examiner pursuant to Rule 7:1 of the Commission's Rules to establish a procedural schedule and conduct all further proceedings. Accordingly,

IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC990176.

(2) Pursuant to Rule 7:1 of the Commission's Rules of Practice and Procedure, a Hearing Examiner is appointed to conduct all further proceedings in this matter.